



1           5. The Department acknowledges the recent submission of examination  
2           materials that represent a good faith effort to now comply with  
3           examination requests.

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5       II. For purposes of amicably resolving and closing the above-referenced  
6       matters the Respondents agree to the following terms and conditions and the  
7       Department accepts the same:

- 8           1. The Respondents agree that they have voluntarily entered into this  
9           Agreement without reliance upon any discussions between the  
10           Department and Respondents, without promise of a benefit of any kind  
11           (other than concessions contained in this Agreement), and without  
12           threats, force, intimidation, or coercion of any kind. The  
13           Respondents further acknowledge their understanding of the nature of  
14           the offenses stated above, including the penalties provided by law.
- 15           2. The Respondents agree to waive any and all rights to a hearing and  
16           appeal thereof.
- 17           3. The Respondents agree that they will not deny the factual basis for  
18           this Agreement to which they have stipulated above and will not give  
19           conflicting statements about such facts or their involvement in the  
20           stipulated facts.
- 21           4. The Respondents agree that all terms of this Agreement are  
22           contractual and none is a mere recital.
- 23           5. The Respondents agree they are subject to an administrative penalty  
24           of \$2,500.00 each as well as a statutory penalty of \$8,450.00 as a  
25           result of their admitted violations of the Chapter.
6. The Department agrees to waive \$2,000 of said administrative penalty  
          against each Respondent and \$6,500.00 of said statutory penalty on  
          receipt of Respondents compliance with its further agreements  
          herein.
7. Respondents agree to faithfully complete the examination process.
8. Respondents will pay the remaining \$1,000 administrative penalty  
          contemporaneously with this agreement.
9. Respondents will pay the remaining \$1,950.00 statutory penalty for  
          late submission of exam materials within 90 days of being invoiced.
10. Respondent will contemporaneous with this agreement pay the  
          outstanding exam invoice in the amount of \$500.00.

1        11.    The Respondents acknowledge that failure to make payment as agreed  
2                above will result in imposition of the suspended fine, further  
3                administrative fines, and possible criminal liability.

4    This Agreement represents the complete and final resolution of, and discharge  
5    of any basis for any civil or administrative proceeding by the Department  
6    against the Respondents for violations arising as a result of or in  
7    connection with any actions or omissions by the Respondents through the date  
8    of this Order as it applies to unlicensed activity; provided, however, this  
9    release does not apply to facts not known by the Department or not otherwise  
10   provided by the Respondents to the Department as of the date of this Order  
11   nor to actions for Restitution under RSA 383:10-d, or the ongoing examination  
12   just commenced. The Department expressly reserves its right to pursue any  
13   administrative or civil action or remedy available to it should the  
14   Respondents breach this Agreement or in the future violate the Act or rules  
15   and orders promulgated thereunder.

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1 **WHEREFORE**, based on the foregoing, we have set our hands to this Agreement,  
2 with it taking effect upon the signature of Peter C. Hildreth, Bank  
3 Commissioner.

4 Recommended this 27 day of April, 2008 by

5 /S/  
6 James Shepard, Staff Attorney, Banking Department

7 Executed this 25 day of March, 2008.

8 /S/  
9 Todd Haggerty, as representative for Respondents.

10  
11 **SO ORDERED,**

12 Entered this 23 day of April, 2008.

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14 /S/  
15 Peter C. Hildreth,  
16 Bank Commissioner  
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